



EX PARTE OR LATE FILED

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KERRY R. SWEATT
CITY MANAGER

June 23, 1998

Chairman William Kennard
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554

Re: *Ex Parte Filing* in cases FO 91-171; FO 91-301

Chairman Kennard, Please reject the proposed change in your Emergency Alert System (EAS) rules. The proposed change would prevent our citizens watching local TV stations on a cable system from receiving emergency announcements from their local public safety authorities.

There is no basis for such preemption of state and local public safety authorities, particularly against their will. All viewers of cable channels should get emergency announcements from their local public safety authority and to do otherwise, would result in safety loss and endangerment to the public. Please reject the proposed change, including any proposal to preempt franchise provisions on local emergency alerts.

Municipalities are charged with protecting the public safety and have trained public safety authorities on duty 24 hours a day with an obligation and duty to notify the public of emergencies. Our franchise agreement specifically provides that such a Emergency Alert System be operated for the benefit of our citizens, and we continue to receive favorable comments from our citizens for such foresight. It is a violation of Federalism, common sense and your statutory duty to turn this vital public safety function over to a private party who has no obligation, training or authority on public safety matters.

Broadcasters supporting the proposed rule claim that their emergency alerts are superior to those of state and local public authorities. We do not believe a question of superiority or duplication should enter this concern for public safety as our franchise assigns such consideration to our public safety departments. A decision such as emergency alerting cannot be turned over exclusively to a private party who has no public safety obligation.

Alert systems deal with emergencies where public safety authorities have determined that the public needs to be informed immediately. The fact that

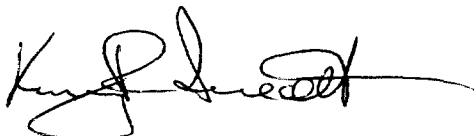
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emergency alerts from public safety authorities may occasionally overlap those of private parties (such as broadcasters) is a minor problem, if it is a problem at all. The NAB's proposed rule is unacceptable because it guarantees a substantial reduction in the number of people receiving emergency announcements from their local public safety authority.

Emergency information on TV stations can be helpful and typically apply mainly to weather. Our local emergency alerts are also used for other types of emergencies, such as hazardous material spills, gas leaks, street and bridge closings and local emergencies. TV stations typically don't cover many types of emergencies, in part, because TV stations serve several communities and they often don't cover local emergencies which affect only one community. Cable systems are often the best, and many times, the only means for municipalities to alert their residents to local emergencies which reflect local conditions.

The Cable Act allows communities to require cable systems to meet community needs. Local emergency alert systems are a part of meeting community needs. As these expressed solutions are protected by provisions of the Cable Act, you must not preempt them. Any attempt at preemption would violate principles of Federalism and the U.S. Constitution due to public safety matters being of vital concern.

Please let me know if we may furnish other information.
Sincerely,

A handwritten signature in black ink, appearing to read "Kerry R. Sweatt", with a long horizontal flourish extending to the right.

Kerry R. Sweatt
City Manager

KRS:db

cc: Commissioner Harold Furchtgott-Roth
Federal Communications Commission
1919 M Street, Room 802
Washington, DC 20554

Commissioner Michael Powell
Federal Communications Commission
1919 M Street, Room 844
Washington, DC 20554

Commissioner Gloria Tristiani
Federal Communications Commission
1919 M Street, Room 826
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, Room 832
Washington, DC 20554

Mr. John Logan, Acting Chief
Cable Services Bureau
918 Empire Building
2033 M Street, NW
Washington, DC 20554

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554



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